

104TH CONGRESS  
2D SESSION

# H. R. 4183

To amend the Federal Election Campaign Act of 1971 to require the disclosure of the identity of persons paying the expenses associated with polls conducted by telephone during campaigns for election for Federal office, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1996

Mrs. SMITH of Washington introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Federal Election Campaign Act of 1971 to require the disclosure of the identity of persons paying the expenses associated with polls conducted by telephone during campaigns for election for Federal office, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Truth in Polling Act”.

1 **SEC. 2. REQUIREMENTS UNDER FEDERAL ELECTION CAM-**  
2 **PAIGN ACT OF 1971.**

3 (a) **REQUIRING DISCLOSURE OF SPONSORS OF**  
4 **POLLS CONDUCTED BY TELEPHONE.**—Title III of the  
5 Federal Election Campaign Act of 1971 (2 U.S.C. 431  
6 et seq.) is amended by adding at the end the following  
7 new section:

8 “REQUIRING DISCLOSURE OF SPONSORS OF POLLS  
9 CONDUCTED BY TELEPHONE

10 “SEC. 323. Any person who conducts a poll by tele-  
11 phone or electronic means to interview individuals on opin-  
12 ions relating to any election for Federal office shall dis-  
13 close to each respondent to the poll the identity of the  
14 person paying the expenses associated with the poll after  
15 the respondent has completed the interview.”.

16 (b) **REQUIRING CAMPAIGN COMMITTEES TO REPORT**  
17 **SCRIPTS OF PUBLIC TELEPHONE CALLS.**—Section 304(b)  
18 of such Act (2 U.S.C. 434(b)) is amended—

19 (1) by striking “and” at the end of paragraph  
20 (7);

21 (2) by striking the period at the end of para-  
22 graph (8) and inserting “; and”; and

23 (3) by adding at the end the following new  
24 paragraph:

25 “(9) for any political committee using mass  
26 telemarketing operations for conducting polls of the

1       general public with respect to an election for Federal  
2       office during the reporting period, any prepared text  
3       used during such operations.”.

4   **SEC. 3. CRIMINAL PENALTIES FOR MISREPRESENTATION**  
5                   **BY POLLSTERS.**

6       (a) IN GENERAL.—Chapter 47 of title 18, United  
7   States Code, is amended by adding at the end the follow-  
8   ing:

9   **“§ 1035. Misrepresentation by pollsters**

10       “Whoever contacts an individual by telephone to ex-  
11   press support of or opposition to a candidate in an election  
12   for Federal office and communicates to that individual  
13   that the caller is making such contact as a representative  
14   of another person unless the other person has given spe-  
15   cific approval in writing to the caller shall be fined under  
16   this title or imprisoned for not more than 1 year, or  
17   both.”.

18       (b) CLERICAL AMENDMENT.—The table of sections  
19   at the beginning of chapter 47 of title 18, United States  
20   Code, is amended by adding at the end the following:

“1035. Misrepresentation by pollsters.”.

○